

San Bernardino County Sun (<http://www.sbsun.com>)

## Judge: Apple must help US hack San Bernardino killer's phone

*By Tami Abdollah and Eric Tucker, The Associated Press*

Tuesday, February 16, 2016

WASHINGTON >> A U.S. magistrate ordered Apple Inc. on Tuesday to help the Obama administration hack into an encrypted iPhone belonging to one of the shooters in the Dec. 2 attack in San Bernardino, in a first-of-its-kind ruling that pits digital privacy against national security interests.

The ruling by Magistrate Judge Sheri Pym, a former federal prosecutor, requires Apple to supply highly specialized software the FBI can load onto the county-owned work iPhone to bypass a self-destruct feature, which erases the phone's data after too many unsuccessful attempts to unlock it. The FBI wants to be able to try different combinations in rapid sequence until it finds the right one.

The decision gives the Justice Department a significant victory in an entrenched technology policy battle, as more-powerful encryption services threaten the ability of federal agents to uncover important evidence in criminal or terrorism cases. The Obama administration, which has embraced stronger encryption as a way to keep consumers safe on the Internet, had struggled to find a compelling example to make its case.

The ruling Tuesday tied the problem to the deadliest terrorist attack on U.S. soil since the 2001 attacks on the World Trade Center and the Pentagon. Farook and his wife, Tashfeen Malik, killed 14 people in the shooting at a holiday luncheon for Farook's co-workers at the Inland Regional Center. The couple later died in a gun battle with police.

Federal prosecutors told the judge in a court application Tuesday that they can't access a work phone used by Syed Farook because they don't know his passcode and Apple has not cooperated. Under U.S. law, a work phone is generally the property of a person's employer. The judge told Apple to provide an estimate of its cost to comply with her order, suggesting that the government will be expected to pay for the work.

Apple has provided default encryption on its iPhones since 2014, allowing any device's contents to be accessed only by the user who knows the phone's passcode.

The Cupertino-based company did not immediately respond to messages from The Associated Press asking about the case.

The order requires that the software Apple provides be programmed to work only on Farook's phone, but it was not clear how readily that safeguard could be circumvented. The order said Apple has five days to notify the court if it believes the ruling is unreasonably burdensome.

It also was not immediately clear what investigators believe they might find on Farook's work phone or why the information would not be available from third-party service providers, such as Google or Facebook, though investigators think the device may hold clues about whom the couple communicated with and where they may have traveled.

The couple took pains to physically destroy two personally owned cellphones, crushing them beyond the FBI's ability to recover information from them. They also removed a hard drive from their computer; it has not been found despite investigators diving for days for potential electronic evidence in a nearby lake.

Farook was not carrying his work iPhone during the attack. It was discovered after a subsequent search. It was not known whether Farook forgot about the iPhone or did not care whether investigators found it.

The phone was running the newest version of Apple's iPhone operating system, which requires a passcode and cannot be accessed by Apple, unlike earlier operating systems or older phone models. San Bernardino County provided Farook with an iPhone configured to erase data after 10 consecutive unsuccessful unlocking attempts. The FBI said that feature appeared to be active on Farook's iPhone as of the last time he performed a backup.

The California judge didn't spell out her rationale in her three-page order, but the ruling comes amid a similar case in the U.S. District Court for the Eastern District of New York.

In that case, Magistrate Judge James Orenstein has not yet decided whether the government can compel Apple to unlock an iPhone under the same 18th century law applied to the California case. The All Writs Act has been used to compel a party to help the government in its law enforcement efforts, but Apple has argued that it is not its role to act as a government agent and that doing so would breach trust with its customers.

Investigators are still working to piece together a missing 18 minutes in Farook and Malik's timeline from Dec. 2. Investigators have concluded they were at least partly inspired by the Islamic State group; Malik's Facebook page included a note pledging allegiance to the group's leader around the time of the attack.

In 2014, Apple updated its iPhone operating system to require that the phone be locked by a passcode that only the user knows. Previously, the company could use an extraction tool that would physically plug into the phone and allow it to respond to search warrant requests from the government.

FBI Director James Comey told members of Congress last week that investigators in the case had been unable to access a phone in the California case but provided no details.

"It is a big problem for law enforcement armed with a search warrant when you find a device that can't be opened even when a judge says there's probable cause to open it," Comey said. "It affects our counterterrorism work. San Bernardino, a very important investigation to us, we still have one of those killers' phones that we have not been able to open, and it's been over two months and we're still working on it."

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## TECHNOLOGY

# Apple Fights Order to Unlock San Bernardino Gunman's iPhone

By KATIE BENNER and ERIC LICHTBLAU FEB. 17, 2016

SAN FRANCISCO — Apple said on Wednesday that it would oppose and challenge a federal court order to help the F.B.I. unlock an iPhone used by one of the two attackers who killed 14 people in San Bernardino, Calif., in December.

On Tuesday, in a significant victory for the government, Magistrate Judge Sheri Pym of the Federal District Court for the District of Central California ordered Apple to bypass security functions on an iPhone 5c used by Syed Rizwan Farook, who was killed by the police along with his wife, Tashfeen Malik, after they attacked Mr. Farook's co-workers at a holiday gathering.

Judge Pym ordered Apple to build special software that would essentially act as a skeleton key capable of unlocking the phone.

But hours later, in a statement by its chief executive, Timothy D. Cook, Apple announced its refusal to comply. The move sets up a legal showdown between the company, which says it is eager to protect the privacy of its customers, and the law enforcement authorities, who say that new encryption

technologies hamper their ability to prevent and solve crime.

In his statement, Mr. Cook called the court order an “unprecedented step” by the federal government. “We oppose this order, which has implications far beyond the legal case at hand,” he wrote.

Asked about Apple’s resistance, the Justice Department pointed to a statement by Eileen M. Decker, the United States attorney for the Central District of California: “We have made a solemn commitment to the victims and their families that we will leave no stone unturned as we gather as much information and evidence as possible. These victims and families deserve nothing less.”

The F.B.I. said that its experts had been unable to access data on Mr. Farook’s iPhone, and that only Apple could bypass its security features. F.B.I. experts have said they risk losing the data permanently after 10 failed attempts to enter the password because of the phone’s security features.

The Justice Department had secured a search warrant for the phone, owned by Mr. Farook’s former employer, the San Bernardino County Department of Public Health, which consented to the search.

Because Apple declined to voluntarily provide, in essence, the “keys” to its encryption technology, federal prosecutors said they saw little choice but to get a judge to compel Apple’s assistance.

Mr. Cook said the order would amount to creating a “back door” to bypass Apple’s strong encryption standards — “something we simply do not have, and something we consider too dangerous to create.”

In 2014, Apple and Google — whose operating systems are used in 96 percent of smartphones worldwide — announced that they had re-engineered their software with “full disk” encryption, and could no longer unlock their own products as a result.

That set up a confrontation with police and prosecutors, who want the companies to build, in essence, a master key that can be used to get around the encryption. The technology companies say that creating such a key would have disastrous consequences for privacy.

“The F.B.I. may use different words to describe this tool, but make no mistake: Building a version of iOS that bypasses security in this way would undeniably create a back door,” Mr. Cook wrote. “And while the government may argue that its use would be limited to this case, there is no way to guarantee such control.”

An Apple spokeswoman declined to elaborate on the statement, but the company’s most likely next step is to file an appeal.

The legal issues are complicated. They involve statutory interpretation, rather than constitutional rights, and they could end up before the Supreme Court.

As Apple noted, the F.B.I., instead of asking Congress to pass legislation resolving the encryption fight, has proposed what appears to be a novel reading of the All Writs Act of 1789.

The law lets judges “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

The government says the law gives broad latitude to judges to require “third parties” to execute court orders. It has cited, among other cases, a 1977 ruling requiring phone companies to help set up a pen register, a device that records all numbers called from a particular phone line.

Apple, in turn, argues that the scope of the act has strict limits. In 2005, a federal magistrate judge rejected the argument that the law could be used to compel a telecommunications provider to allow real-time tracking of a cellphone without a search warrant.

Marc J. Zwillinger, a lawyer for Apple, wrote in a letter for a related case in October that the All Writs Act could not be interpreted to “force a company to take possession of a device outside of its possession or control and perform services on that device, particularly where the company does not perform such services as part of its business and there may be alternative means of obtaining the requested information available to the government.”

The government says it does not have those alternative means.

Mr. Cook’s statement called the government’s demands “chilling.”

He added: “If the government can use the All Writs Act to make it easier to unlock your iPhone, it would have the power to reach into anyone’s device to capture their data. The government could extend this breach of privacy and demand that Apple build surveillance software to intercept your messages, access your health records or financial data, track your location, or even access your phone’s microphone or camera without your knowledge.”

The Electronic Frontier Foundation, a nonprofit organization that defends digital rights, said it was siding with Apple.

“The government is asking Apple to create a master key so that it can open a single phone,” it said Tuesday evening. “And once that master key is created, we’re certain that our government will ask for it again and again, for other phones, and turn this power against any software or device that has the audacity to offer strong security.”

The San Bernardino case is the most prominent such case, but it is not the first.

Last October, James Orenstein, a federal magistrate judge in Brooklyn, expressed doubts about whether he could require Apple to disable its latest iPhone security features, citing the failure of Congress to resolve the issue despite the urging of the Justice Department.

The judge said such requests should fall under a different law, the Communications Assistance for Law Enforcement Act of 1994, which covers telecommunications and broadband companies.

Congress has been debating whether to amend that act to include technology companies like Apple, Facebook and Google, and Judge Orenstein said he would consider ordering Apple to unlock the phone when and if Congress makes the change. That case is still pending.

Although Apple is portraying its opposition to Judge Pym's order as a principled defense of privacy, one of its motivations is the preservation of its reputation for robust encryption, at a time of rising concerns about identity theft, cybercrime and electronic surveillance by intelligence agencies and overzealous law enforcement agencies.

Apple also says that a master key would amount to a vulnerability that hackers could exploit.

China is watching the dispute closely. Analysts say that the Chinese government does take cues from the United States when it comes to encryption regulations, and that it would most likely demand that multinational companies provide accommodations similar to those in the United States.

Last year, Beijing backed off several proposals that would have mandated that foreign firms provide encryption keys for devices sold in China after heavy pressure from foreign trade groups. Nonetheless, a Chinese antiterrorism law passed in December required foreign firms to hand over technical information and to aid with decryption when the police demand it in terrorism-related cases.

While it is still not clear how the law might be carried out, it is possible a push from American law enforcement agencies to unlock iPhones would embolden Beijing to demand the same. China would also most likely push to

acquire any technology that would allow it to unlock iPhones. Just after Apple introduced tougher encryption standards in 2014, Apple users in China were targeted by an attack that sought to obtain login information from iCloud users.

Katie Benner reported from San Francisco, and Eric Lichtblau from Washington. Sewell Chan contributed reporting from London, and Paul Mozur from Hong Kong.

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<http://www.wsj.com/articles/apple-to-oppose-judge-order-to-help-unlock-phone-linked-to-san-bernardino-attack-1455698783>

TECH

# Apple Opposes Judge's Order to Help Unlock Phone Linked to San Bernardino Attack

Tim Cook calls the order an 'unprecedented step which threatens the security of our customers'

By DAISUKE WAKABAYASHI

Updated Feb. 17, 2016 8:43 a.m. ET

Apple Inc. Chief Executive Tim Cook said the company will oppose a federal judge's order to help the Justice Department unlock a phone used by a suspect in the San Bernardino, Calif., attack.

In a strongly worded letter to customers posted on Apple's website early Wednesday, Mr. Cook called the order an "unprecedented step which threatens the security of our customers" with "implications far beyond the legal case at hand."

The order, reflected in legal filings unsealed Tuesday, marks a watershed moment in the long-running argument between Washington and Silicon Valley over privacy and security.

In the order, U.S. Magistrate Judge Sheri Pym agreed with a Justice Department request that Apple help unlock an iPhone 5C once used by Syed Rizwan Farook. The order calls on Apple to disable certain security measures on the phone, including a feature that permanently erases the data from the phone after 10 unsuccessful tries at the password. Such measures have kept agents from reviewing the contents of the phone, according to the filing. When the phone is locked, the data is encrypted.

Apple said it has cooperated with the Federal Bureau of Investigation during the investigation, complying with valid search warrants and subpoenas. Apple said the

government now effectively wants it to create a new version of its iPhone software that bypasses important security measures.

The order, Mr. Cook wrote, asks the company “for something we simply do not have, and something we consider too dangerous to create.”

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- Apple and Others Encrypt Phones, Fueling Government Standoff (<http://www.wsj.com/articles/apple-and-others-encrypt-phones-fueling-government-standoff-1416367801>) (Nov. 18, 2014)
- FBI Chief Punches Back on Encryption (<http://www.wsj.com/articles/fbi-chief-punches-back-on-encryption-1436217665>) (July 6, 2015)

government is asking Apple to hack our own users and undermine decades of security advancements which protect our customers—including tens of millions of American citizens—from sophisticated hackers and cybercriminals,” said Mr. Cook. “We can find no precedent for an American company being forced to expose its customers to a greater risk of attack.”

In the statement, Apple also questioned the U.S. government’s use of the All Writs Act of 1789 to “justify an expansion of its authority” through the request.

“The implications of the government’s demands are chilling. If the government can use the All Writs Act to make it easier to unlock your iPhone, it would have the power to reach into anyone’s device to capture their data,” wrote Mr. Cook.

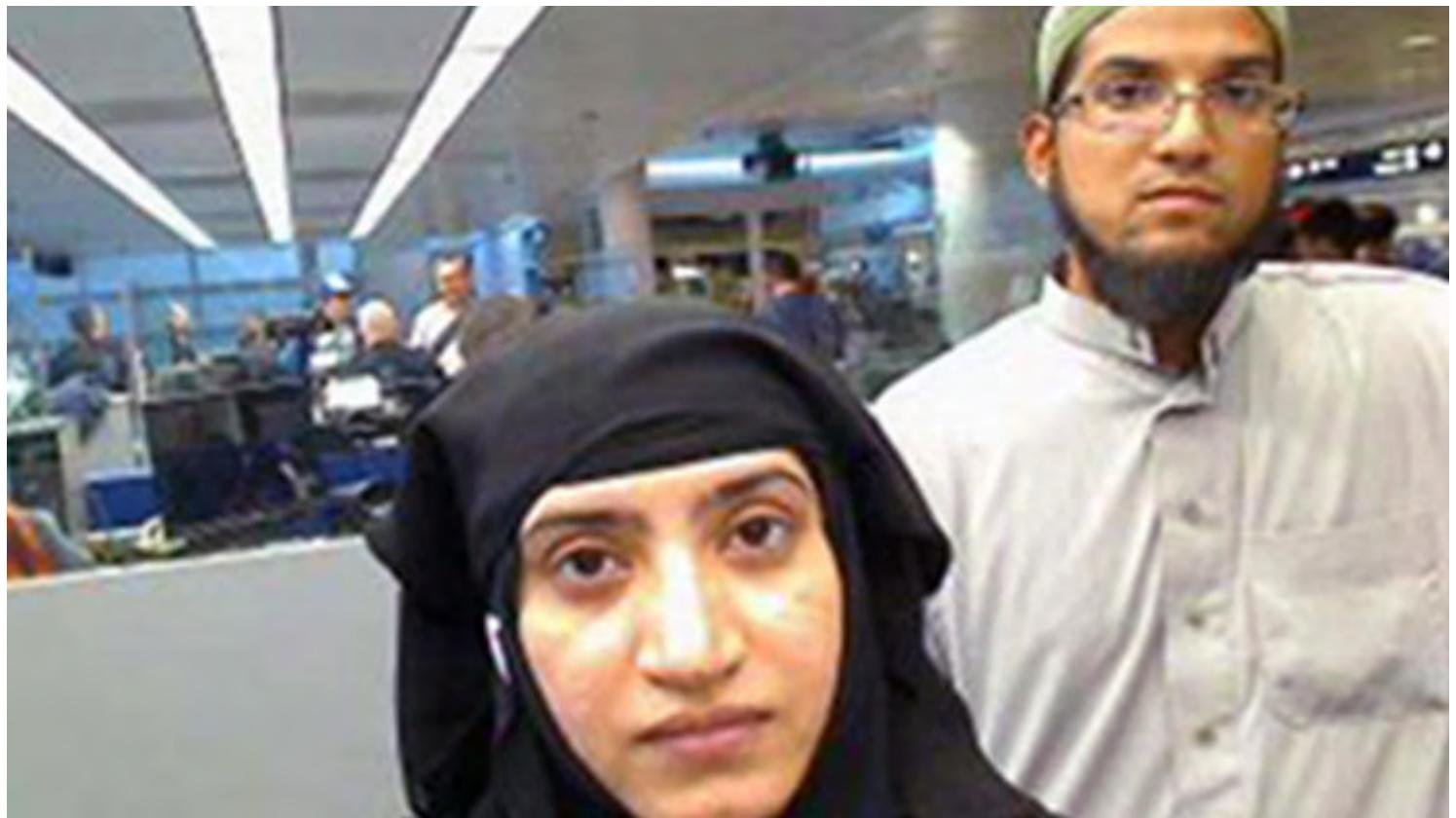
Apple said it isn’t opposing the order lightly nor does it question the FBI’s intentions, but it feels that the government has overreached.

In her order, Judge Pym gave Apple five days to appeal.

**Write to Daisuke Wakabayashi at [Daisuke.Wakabayashi@wsj.com](mailto:Daisuke.Wakabayashi@wsj.com)**

LOCAL / L.A. Now

# Apple opposes order to help FBI unlock phone belonging to San Bernardino shooter



A photo from July 27, 2014, provided by the U.S. Customs and Border Protection agency shows Tashfeen Malik, left, and Syed Rizwan Farook as they passed through O'Hare International Airport in Chicago. (Associated Press)

By **James Queally and Brian Bennett** · Contact Reporters

FEBRUARY 17, 2016, 7:56 AM

**A**pple Inc. CEO Tim Cook says his company will resist a federal judge's order to access encrypted data hidden on a cellphone that belonged to the terrorist couple who killed 14 people in San Bernardino last year.

In a statement released early Wednesday, Cook said that such a move would undermine encryption by creating a backdoor that could potentially be used on other future devices.

"In the wrong hands, this software -- which does not exist today -- would have the potential to unlock any iPhone in someone's physical possession," the statement said.

The judge's order is aimed at removing what had become a barrier in the investigation of the deadliest terrorist attack on U.S. soil since 9/11.

Authorities are trying to determine the couple's movements between the time of the attack at the Inland Regional Center the morning of Dec. 2 and their deaths in a wild firefight with police hours later. Last month, the FBI asked for the public's help in filling in an 18-minute gap in the narrative of the couple's whereabouts.

The FBI is also probing whether the couple received any help in plotting or carrying out the attacks.

U.S. Magistrate Judge Sheri Pym in Riverside directed Apple on Tuesday to help the FBI get around the phone's passcode protection and any auto-erase functions the device might employ.

"The government has been unable to complete the search because it cannot access the iPhone's encrypted content," U.S. Atty. Eileen Decker wrote in a 40-page motion to the judge. "Apple has the exclusive technical means which would assist the government in completing its search, but has declined to provide that assistance voluntarily."

The device, an iPhone5, was given to Syed Rizwan Farook by the San Bernardino County Health Department and was used in his job as an inspector, according to the motion.

It is the tech giant's policy to require law enforcement to obtain search warrants or subpoenas before aiding in investigations.

But the company sees the order as an "overreach by the U.S. government," according to the statement.

The health department gave the FBI consent to search the phone, according to the motion, but authorities have been unable to bypass the phone's passcode lock for fear its operating system would destroy all data on the phone after 10 failed attempts.

In its motion, the FBI said Apple should be able to turn off the device's auto-erase functions, allowing the government to submit "test passcodes" to the phone without the risk of destroying the data it seeks. The motion said that Apple routinely complies with law enforcement when presented with a search warrant or judicial order.

The phone stopped sending backup information to the iCloud server on Oct. 19, 2015, according to the government's motion, and the FBI believes that Farook may have disabled that function in order to hide evidence. Any communications or data linked to the shooting after Oct. 19 would be accessible only through the device, according to the motion.

Farook also used the phone to talk with Malik after that date, court records show.

Investigators are hoping the data on the phone will help answer several questions that have persisted

since the shooting. It remains unclear why Farook left a bag with several pipe bombs in the conference room where he and his wife opened fire, why the bombs were not detonated, or if the couple were plotting other attacks.

Enrique Marquez Jr., a friend of Farook's, is accused of buying two rifles used in the shootings. Marquez has been arrested and charged with providing material support for terrorists and other crimes. He has pleaded not guilty.

Location data on the phone, among other pieces of information, could also help investigators answer questions about the couple's movements during an 18-minute gap in the FBI's timeline of their actions following the shooting.

FBI Director James B. Comey first revealed the agency's struggles to access the phone data while speaking before the Senate Intelligence Committee last week.

Several cellphone models, including Apple's iPhone 6 and Samsung's Galaxy S6, use advanced encryption algorithms that scramble all the data on the device when a pin code is set.

Encrypted cellphones and text-messaging apps have made it harder for investigators and intelligence services to track suspected plots in real time, or trace locations and connections once they acquire a suspect's device, Comey said.

Apple changed the way it manages phone encryption in September 2014, a move that makes it more difficult for law enforcement to access encrypted data on cellphones, according to Clifford Neuman, director of USC's Center for Computer System Security. Previously, forensic investigators could tap into a device's hardware port and gain access to a phone's data "independent of needing to try passcodes," he said.

"That path into the device is no longer possible," Neuman said.

The change in the encryption method means Apple may not be able to decrypt the data, according to Neuman. The company could, however, bypass the access code system that would cause the data to be erased, and then grant the FBI access to the encrypted data. Federal investigators would then have to decrypt the data themselves, Neuman said.

The tech industry and the government have long been at odds over how much access law enforcement and national security agencies should be given to private phone data. Recently, Comey, Atty. Gen. Loretta Lynch and other national security leaders met with representatives from Google, Apple and Facebook in San Jose to try and find common ground that would help investigators gain crucial information about possible terror plots without compromising the privacy of the companies' customers.

In the wake of the San Bernardino attack, President Obama addressed the nation, urging high-tech and law enforcement leaders "to make it harder for terrorists to use technology to escape from justice."

Although the tech industry says it wants to help, it's reluctant to give away private information and data to government agencies, arguing that doing so fosters user distrust and raises the risk of hacker attacks.

*Staff writers Joel Rubin, Andrea Chang and Richard Winton contributed to this report.*

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## UPDATES

**Feb. 17, 7:56 a.m.:** This article has been updated with background about President Obama's speech in December.

**Feb. 17, 12:58 a.m.:** This article has been updated with a statement from Apple saying it will resist the federal judge's order.

**7:41 p.m.:** This article has been updated with additional information from court records and comments from a cyber security expert.

This article was originally published on Feb. 16 at 6 p.m.

**This article is related to:** Terrorism, Apple Inc., Tim Cook

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## Apple CEO Tim Cook Takes On The FBI For Threatening Your Data

The government wants to unlock an iPhone connected to the San Bernardino terror attack.

⌚ 02/17/2016 09:32 am ET

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Damon Beres

Tech Editor, The Huffington Post



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Apple CEO Tim Cook has accused the government of asking the tech giant to hack its own users.

Apple is standing up for its right to lock down your iPhone.

In a [candid letter published online Wednesday](#), Apple head Tim Cook blasted the Federal Bureau of Investigation for requesting a customized version of iOS that would allow access to private data stored on an iPhone.

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The note is a direct response to a new court order [that would require the tech giant to assist in unlocking a device](#) belonging to one of the terrorists who carried out an attack in San Bernardino, California, last December.

"In the wrong hands, this software -- which does not exist today -- would have the potential to unlock any iPhone in someone's physical possession," Cook wrote.

"The FBI may use different words to describe this tool, but make no mistake: Building a version of iOS that bypasses security in this way would undeniably create a backdoor. And while the government may argue that its use would be limited to this case, there is no way to guarantee such control."

Apple [introduced stronger security](#) to its mobile operating system in 2014. At the time, the company said it would [not be able to comply with government requests](#) to pull data from an iOS device.

"For all devices running iOS 8 and later versions, Apple will not perform iOS data extractions in response to government search warrants because the files to be extracted are protected by an encryption key that is tied to the user's passcode, which Apple does not possess," Apple posted on its privacy website.

Of course, debate over the encryption has followed since. Privacy advocates [applaud the security measure](#) for protecting customers, though the San Bernardino case clearly outlines the grievances of those who worry over national security. Theoretically, the iPhone in question could contain information that helps an investigation and prevents another attack.

Apple isn't having it.

"The government is asking Apple to hack our own users and undermine decades of security advancements that protect our customers -- including tens of millions of American citizens -- from sophisticated hackers and cybercriminals," Cook wrote. "The same engineers who built strong encryption into the iPhone to protect our users would, ironically, be ordered to weaken those protections and make our users less safe."

You can [read the full letter on Apple's website](#).

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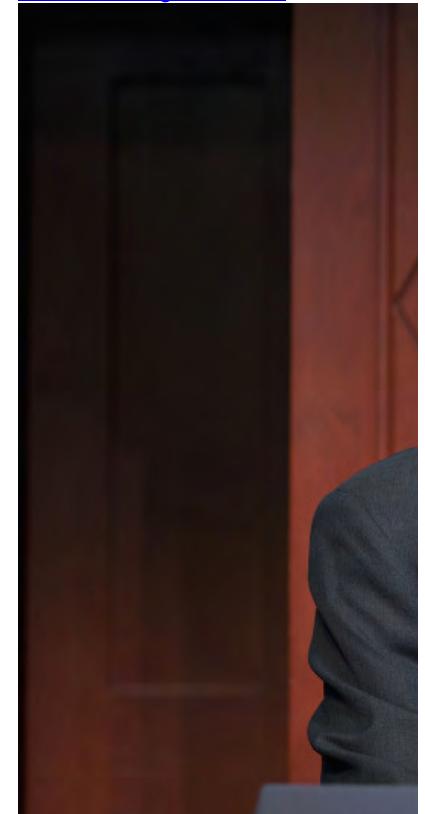
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# Apple CEO Tim Cook explains why helping the FBI in terror phone probe is 'threat to data security'



Apple CEO Tim Cook responds to a question during a news conference at IBM Watson headquarters in New York on April 30, 2015. (Richard Drew / Associated Press)

By **Times staff**

FEBRUARY 17, 2016, 7:34 AM

**A**pple Chief Executive Tim Cook has issued a detailed statement explaining his company's reasons for declining to help federal investigators unlock encrypted data hidden in a phone used by one of the San Bernardino terror suspects.

U.S. Magistrate Judge Sheri Pym in Riverside directed Apple on Tuesday to help the **FBI** get around the phone's passcode protection and any auto-erase functions the device might employ.

"The government has been unable to complete the search because it cannot access the **iPhone's** encrypted content," U.S. Atty. Eileen Decker wrote in a 40-page motion to the judge. "Apple has the exclusive technical means which would assist the government in completing its search, but has declined

to provide that assistance voluntarily."

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Here is Cook's full statement on the San Bernardino matter:

The United States government has demanded that Apple take an unprecedented step which threatens the security of our customers. We oppose this order, which has implications far beyond the legal case at hand.

This moment calls for public discussion, and we want our customers and people around the country to understand what is at stake.

### **The Need for Encryption**

Smartphones, led by iPhone, have become an essential part of our lives. People use them to store an incredible amount of personal information, from our private conversations to our photos, our music, our notes, our calendars and contacts, our financial information and health data, even where we have been and where we are going.

All that information needs to be protected from hackers and criminals who want to access it, steal it, and use it without our knowledge or permission. Customers expect Apple and other technology companies to do everything in our power to protect their personal information, and at Apple we are deeply committed to safeguarding their data.

Compromising the security of our personal information can ultimately put our personal safety at risk. That is why encryption has become so important to all of us.

For many years, we have used encryption to protect our customers' personal data because we believe it's the only way to keep their information safe. We have even put that data out of our own reach, because we believe the contents of your iPhone are none of our business.

### **The San Bernardino Case**

We were shocked and outraged by the deadly act of terrorism in San Bernardino last December. We mourn the loss of life and want justice for all those whose lives were affected. The FBI asked us for help in the days following the attack, and we have worked hard to support the government's efforts to solve this horrible crime. We have no sympathy for terrorists.

When the FBI has requested data that's in our possession, we have provided it. Apple complies with valid subpoenas and search warrants, as we have in the San Bernardino case. We have also made Apple

engineers available to advise the FBI, and we've offered our best ideas on a number of investigative options at their disposal.

We have great respect for the professionals at the FBI, and we believe their intentions are good. Up to this point, we have done everything that is both within our power and within the law to help them. But now the U.S. government has asked us for something we simply do not have, and something we consider too dangerous to create. They have asked us to build a backdoor to the iPhone.

Specifically, the FBI wants us to make a new version of the iPhone operating system, circumventing several important security features, and install it on an iPhone recovered during the investigation. In the wrong hands, this software — which does not exist today — would have the potential to unlock any iPhone in someone's physical possession.

The FBI may use different words to describe this tool, but make no mistake: Building a version of iOS that bypasses security in this way would undeniably create a backdoor. And while the government may argue that its use would be limited to this case, there is no way to guarantee such control.

## **The Threat to Data Security**

Some would argue that building a backdoor for just one iPhone is a simple, clean-cut solution. But it ignores both the basics of digital security and the significance of what the government is demanding in this case.

In today's digital world, the "key" to an encrypted system is a piece of information that unlocks the data, and it is only as secure as the protections around it. Once the information is known, or a way to bypass the code is revealed, the encryption can be defeated by anyone with that knowledge.

The government suggests this tool could only be used once, on one phone. But that's simply not true. Once created, the technique could be used over and over again, on any number of devices. In the physical world, it would be the equivalent of a master key, capable of opening hundreds of millions of locks — from restaurants and banks to stores and homes. No reasonable person would find that acceptable.

The government is asking Apple to hack our own users and undermine decades of security advancements that protect our customers — including tens of millions of American citizens — from sophisticated hackers and cybercriminals. The same engineers who built strong encryption into the iPhone to protect our users would, ironically, be ordered to weaken those protections and make our users less safe.

We can find no precedent for an American company being forced to expose its customers to a greater

risk of attack. For years, cryptologists and national security experts have been warning against weakening encryption. Doing so would hurt only the well-meaning and law-abiding citizens who rely on companies like Apple to protect their data. Criminals and bad actors will still encrypt, using tools that are readily available to them.

## A Dangerous Precedent

Rather than asking for legislative action through Congress, the FBI is proposing an unprecedented use of the All Writs Act of 1789 to justify an expansion of its authority.

The government would have us remove security features and add new capabilities to the operating system, allowing a passcode to be input electronically. This would make it easier to unlock an iPhone by "brute force," trying thousands or millions of combinations with the speed of a modern computer.

The implications of the government's demands are chilling. If the government can use the All Writs Act to make it easier to unlock your iPhone, it would have the power to reach into anyone's device to capture their data. The government could extend this breach of privacy and demand that Apple build surveillance software to intercept your messages, access your health records or financial data, track your location, or even access your phone's microphone or camera without your knowledge.

Opposing this order is not something we take lightly. We feel we must speak up in the face of what we see as an overreach by the U.S. government.

We are challenging the FBI's demands with the deepest respect for American democracy and a love of our country. We believe it would be in the best interest of everyone to step back and consider the implications.

While we believe the FBI's intentions are good, it would be wrong for the government to force us to build a backdoor into our products. And ultimately, we fear that this demand would undermine the very freedoms and liberty our government is meant to protect.

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## SAN BERNARDINO SHOOTING: Apple declines to unlock shooter's iPhone

[STAFF AND WIRE REPORTS](#)

2016-02-17 06:08:49



Apple CEO Tim Cook has posted a response to an [order from a federal magistrate](#) to help the FBI unlock the iPhone of San Bernardino shooter Syed Rizwan Farook on the company's website.

The post, titled "[A Message to Our Customers](#)," details why Cook believes it would be wrong to build a "backdoor" that would allow federal officials bypass the phone's passcode.

He writes that if a method for accessing an encrypted phone were created, it could be used on any device by anyone who knows how to do it.

"The government suggests this tool could only be used once, on one phone," Cook writes in the post dated Tuesday, Feb. 16. "But that's simply not true. Once created, the technique could be used over and over again, on any number of devices."

Magistrate Judge Sheri Pym, who sits in Riverside federal court, on Tuesday ordered Apple to help the government and gave the company five days to contest that order.

Farook apparently turned off the phone's iCloud remote storage function about six weeks before the Dec. 2 shooting at the Inland Regional Center that killed 14 and wounded 22, a government memorandum said.

The FBI said Farook may have done it to hide evidence, which may now reside solely on the iPhone. Data that would be encrypted on the device could include contacts, photos and iMessages.

Pym's order does not ask Apple to break the encryption on the phone, but rather to provide software that will disable the feature that wipes the data on the phone after 10 incorrect tries at entering a password.

Continuing without the Apple encryption-busting assistance, the government said, could trigger an auto-erase function of the iOS to erase the keys necessary to access the phone's data.

The Cupertino-based company has cooperated with the FBI on the San Bernardino case, Cook said in his post, adding that the company has "no sympathy for terrorists."

"Apple complies with valid subpoenas and search warrants, as we have in the San Bernardino case," he wrote. "We have also made Apple engineers available to advise the FBI, and we've offered our best ideas on a number of investigative options at their disposal."

Still, Cook argues that to demand the company to create a backdoor into its encrypted devices would "undermine the very freedoms and liberty our government is meant to protect."

"We are challenging the FBI's demands with the deepest respect for American democracy and a love of our country," he wrote. "We believe it would be in the best interest of everyone to step back and consider the implications."

San Bernardino County Sun (<http://www.sbsun.com>)

## Apple resisting judge's order to hack San Bernardino terrorist's iPhone

*By Tami Abdollah and Eric Tucker, The Associated Press*

Wednesday, February 17, 2016

WASHINGTON >> Apple Inc. CEO Tim Cook says his company will fight a federal magistrate's order to hack its users in connection with the investigation of the San Bernardino shootings, asserting that would undermine encryption by creating a backdoor that could potentially be used on other future devices.

Cook's ferocious response, [posted early Wednesday on the company's website](#), came after an order from U.S. Magistrate Judge Sheri Pym that Apple Inc. help the Obama administration break into an encrypted iPhone belonging to one of the shooters in the December attack.

The first-of-its-kind ruling was a significant victory for the Justice Department in a technology policy debate that pits digital privacy against national security interests.

Noting the order Tuesday from federal Magistrate Judge Sheri Pym in California, Cook said "this moment calls for public discussion, and we want our customers and people around the country to understand what is at stake."

Cook argued that the order "has implications far beyond the legal case at hand."

Pym ordered Apple to help the FBI hack into an encrypted iPhone belonging to one of the San Bernardino shooters.,, and setting the stage for a legal fight between the federal government and Silicon Valley over a first-of-its-kind ruling.

The order directing Apple to help the FBI break into an encrypted iPhone belonging to one of the San Bernardo shooters represents a significant victory for the Justice Department. The Obama administration has embraced stronger encryption as a way to keep consumers safe on the Internet, but struggled to find a compelling example to make its case.

Cook said in the website posting that the U.S. government order would undermine encryption by using specialized software to create an essential back door that he compared to a "master key, capable of opening hundreds of millions of locks."

"In the wrong hands, this software — which does not exist today — would have the potential to unlock any iPhone in someone's physical possession," Cook wrote. "The FBI may use different words to describe this tool, but make no mistake: Building a version of iOS that bypasses security in this way would undeniably create a back door. And while the government may argue that its use would be limited to this case, there is no way to guarantee such control."

FBI Director James Comey told members of Congress last week that encryption is a major problem for law enforcement who "find a device that can't be opened even when a judge says there's probable cause

to open it."

The ruling Tuesday tied the problem to the deadliest terrorist attack on U.S. soil since the 2001 attacks on the World Trade Center and the Pentagon. Syed Farook and his wife, Tashfeen Malik, killed 14 people in a Dec. 2 shooting at a holiday luncheon for Farook's co-workers. The couple later died in a gun battle with police.

Federal prosecutors told the judge in a court proceeding Tuesday — that was conducted without Apple being allowed to participate — that investigators can't access a work phone used by Farook because they don't know his passcode and Apple has not cooperated. Under U.S. law, a work phone is generally the property of a person's employer. The judge told Apple to provide an estimate of its cost to comply with her order, suggesting that the government will be expected to pay for the work.

Apple has provided default encryption on its iPhones since 2014, allowing any device's contents to be accessed only by the user who knows the phone's passcode.

The ruling by Pym, a former federal prosecutor, requires Apple to supply highly specialized software the FBI can load onto the county-owned work iPhone to bypass a self-destruct feature, which erases the phone's data after too many unsuccessful attempts to unlock it. The FBI wants to be able to try different combinations in rapid sequence until it finds the right one.

It was not immediately clear what investigators believe they might find on Farook's work phone or why the information would not be available from third-party service providers, such as Google or Facebook, though investigators think the device may hold clues about whom the couple communicated with and where they may have traveled.

The couple took pains to physically destroy two personally owned cell phones, crushing them beyond the FBI's ability to recover information from them. They also removed a hard drive from their computer; it has not been found despite investigators diving for days for potential electronic evidence in a nearby lake.

Farook was not carrying his work iPhone during the attack. It was discovered after a subsequent search. It was not known whether Farook forgot about the iPhone or did not care whether investigators found it.

The phone was running the newest version of Apple's iPhone operating system, which requires a passcode and cannot be accessed by Apple, unlike earlier operating systems or older phone models. San Bernardino County provided Farook with an iPhone configured to erase data after 10 consecutive unsuccessful unlocking attempts. The FBI said that feature appeared to be active on Farook's iPhone as of the last time he performed a backup.

The judge didn't spell out her rationale in her three-page order, but the ruling comes amid a similar case in the U.S. District Court for the Eastern District of New York.

Investigators are still working to piece together a missing 18 minutes in Farook and Malik's timeline from Dec. 2. Investigators have concluded they were at least partly inspired by the Islamic State group; Malik's Facebook page included a note pledging allegiance to the group's leader around the time of the attack.

In 2014, Apple updated its iPhone operating system to require that the phone be locked by a passcode that only the user knows. Previously, the company could use an extraction tool that would physically plug into the phone and allow it to respond to search warrant requests from the government.

FBI Director James Comey told members of Congress last week that encryption is a major problem for law enforcement who "find a device that can't be opened even when a judge says there's probable cause to open it."

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URL: <http://www.sbsun.com/general-news/20160217/apple-resisting-judges-order-to-hack-san-bernardino-terrorists-iphone>

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## SAN BERNARDINO SHOOTING: Apple chief escalated fight with the FBI - and role as corporate activist

By DREW HARWELL

2016-02-17 08:35:42



When Apple announced this week it would not help the FBI break open an iPhone used by a shooter in the San Bernardino attacks, the tech giant did not fall back on that dry hallmark of corporate America, the public statement.

Instead, Apple's resistance came in the form of a forceful, fiercely worded letter personally signed by its chief executive, Tim Cook, who has quickly become one of America's most prominent and outspoken corporate activists.

"We can find no precedent for an American company being forced to expose its customers to a greater risk of attack," Cook wrote. "We feel we must speak up in the face of what we see as an overreach by the U.S. government."

Cook has become a surprisingly candid firebrand atop the most valuable company on the planet, which was made infamous for corporate stealth and secrecy under its co-founder and former chief executive, the late Steve Jobs.

But while Apple, now worth more than half a trillion dollars, has remained guarded, Cook has opened up - speaking out vehemently on gender discrimination, cybersecurity, climate change and "political crap."

Cook's strong stance on digital privacy, which he has called a "fundamental human right," is a long-standing one, and it has earned him applause from groups like the Electronic Privacy Information Center, which honored him at its annual "Champions of Freedom" event last summer in Washington.

In 2014, Cook told journalist Charlie Rose that "if the government laid a subpoena to get iMessages, we can't provide it," adding, "Our business is not based on having information about you. You're not our product."

In December, on "60 Minutes," he repeated that view: "I don't believe that the tradeoff here is privacy versus national security. I think that's an overly simplistic view. We're America. We should have both."

But Cook has also charged into arenas far removed from modern tech. He told climate-change-denying investors in 2014 to "get out of this stock" after they complained about the company's pledge to slash greenhouse-gas emissions.

Under Cook, Apple has also publicly supported workplace-equality bills, advocated for same-sex marriage and opposed state measures that would discriminate against gays and lesbians, including in Alabama, his native state.

He became the first openly gay chief of a major American company in 2014 when he wrote in a public essay that he was "proud to be gay," adding that he "will personally continue to advocate for equality for all people until my toes point up."

Since then, Cook has penned aggressive editorials, including an essay last March in the Washington Post,

saying "religious freedom" bills "rationalize injustice by pretending to defend something many of us hold dear."

He has also used some of that oratory firepower to stand up for Apple, calling congressional claims that the company profits off an overseas tax scheme "total political crap."

Cook's high-profile advocacy has earned him love from Apple's peers and rivals in Silicon Valley. After Cook came out, Facebook head Mark Zuckerberg wrote, "Thank you Tim for showing what it means to be a real, courageous and authentic leader."

Cook's headline-grabbing stare-down with the FBI could, as cynics have said, be seen an incredible promotional opportunity for Apple, the chief seller and protector of the virtually uncrackable iPhone. Cook's letter is titled "A Message to Our Customers," and can be found at [apple.com/customer-letter](http://apple.com/customer-letter).

But Cook's deep involvement could help boost his prestige, too, in the eyes of customers and, perhaps more importantly, in the minds that Silicon Valley spends heavily to recruit. Who doesn't want a gutsy, stands-up-to-the-man CEO to make their phone, or be their boss?

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# The New York Times

## POLITICS

# 18th-Century Law at Heart of Apple's Dispute With F.B.I.

By MATT APUZZO FEB. 17, 2016

WASHINGTON — As a legal matter, the showdown between the Obama administration and Apple touched off Tuesday by the ruling of a federal magistrate judge in California turns on an 18th century law. More practically, though, it boils down to this question: Should you be able to lock your phone so securely that even the F.B.I. cannot open it?

The Obama administration and police officers around the country say no, and their precedent is the past. Homes and cars do not have unbreakable locks. You cannot buy an uncrackable safe. And terrorists and child molesters should not be able to buy a hand-held computer that keeps its secrets forever.

Apple, backed by technologists and civil libertarians, says yes. People live their lives electronically; their phones are a record of loves and fantasies, illnesses and losses. Apple built its recent iPhones to keep that data private and says nothing less than the future of privacy is at stake in this fight.

The Justice Department's success in obtaining a court order demanding that Apple help write software to disable those defenses was a significant

victory for the Obama administration. It relied on the All Writs Act, a law that can trace its origins to the first Congress in 1789. In short, it says courts can require that people do things to comply with their orders.

For months, the Justice Department and Apple have been trading heated rhetoric and lurching toward this very confrontation, only to back away. By the end of last year, it seemed that Apple and other technology companies had won the public relations battle.

The attacks in San Bernardino, Calif., in December, however, changed the government's calculation. Syed Rizwan Farook, one of the two people suspected of killing 14 people, left behind an iPhone 5c — a locked one. The F.B.I. has not been able to get access to any data on it.

For the administration, it was perhaps the perfect test case, one that put Apple on the side of keeping secrets for a terrorist.

Mr. Farook's phone is protected by a password that Apple says it does not keep. It is encrypted with an algorithm the company says it cannot break. The F.B.I. wants to write a computer program to send the phone an unlimited combination of passwords until it finds one that works.

But Apple built its phones to protect against that tactic. Each wrong guess causes a short delay, which would significantly slow the F.B.I.'s effort. After too many incorrect guesses, the phone will automatically erase its memory.

There is little middle ground between the positions of the Justice Department and Apple, and Timothy D. Cook, the company's chief executive, did not back down. He issued a sharply worded statement on Wednesday, saying he planned to fight the order. He said the Obama administration was not only creating a dangerous precedent but was demanding the creation of a dangerous tool — a skeleton key that could be used by hackers and totalitarian governments.

“Once the information is known, or a way to bypass the code is revealed, the encryption can be defeated by anyone with that knowledge,” Mr. Cook said. “The government suggests this tool could only be used once, on one phone. But that’s simply not true. Once created, the technique could be used over and over again, on any number of devices.”

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Inland Valley Daily Bulletin (<http://www.dailypaper.com>)

## New San Bernardino County Auditor-Controller to be named Wednesday

By Joe Nelson, *The Sun*

Tuesday, February 16, 2016



The San Bernardino County Board of Supervisors is expected to announce Wednesday a successor to longtime Auditor-Controller/Treasurer/Tax Collector Larry Walker, whose last day is March 4.

A special meeting of the board is scheduled at the San Bernardino County Government Center, 385 N. Arrowhead Avenue, in San Bernardino, beginning with a closed session meeting of the board at 1 p.m. and the public session beginning at 1:30 p.m.

Walker, a former county supervisor and Chino mayor, has served as the county's Auditor-Controller since 1998. In 2010, his office was merged with the treasurer and tax collector's offices, and he has retained the joint title of Auditor-Controller/Treasurer/Tax Collector ever since.

Walker announced earlier this month he was retiring. A two-man committee composed of Board of Supervisors Chairman James Ramos and Vice Chairman Robert Lovingood was subsequently formed to interview applicants for Walker's job.

From Jan. 20-29, 17 people applied for the job, with nine applicants meeting the minimum qualifications under state law.

Ramos and Lovingood selected five applicants to interview. Interviews were conducted on Feb. 10, according to a staff report to the Board of Supervisors.

"All of the candidates interviewed possessed extensive, relevant experience, including executive level financial and investment management experience working in large public or private organizations with multi-billion dollar budgets and revenues," according to the staff report.

The Board of Supervisors can select any applicant they feel is best qualified, whether a current county employee or not, so long as the applicant meets the job requirements, county spokesman David Wert said.

*This story has been updated from a previous version to correct a statement from county spokesman David Wert.*

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## Supervisors Poised To Name New Auditor-Controller/Treasurer/Tax Collector

in [News](#) / by [Michael P. Neufeld](#) / on February 16, 2016 at 2:11 pm /



A special meeting of the San Bernardino County Board of Supervisors will be held at 1:30 p.m. on Wednesday, February 17, to name a new Auditor-Controller/Treasurer/Tax Collector. (Photo by ROTWNEWS.com)

**By Michael P. Neufeld**

San Bernardino, CA – County supervisors will meet in special session on Wednesday, February 17, to name a new Auditor-Controller/Treasurer/Tax Collector to succeed Larry Walker who is retiring

effective March 5.



Retiring Auditor-Controller/Treasurer/Tax Collector Larry Walker. (Contributed Photo)

The meeting — scheduled for the Covington Chambers of the County Government Center — is scheduled to convene at 1:30 p.m.

### **THE APPOINTMENT PROCESS**

Supervisors — who are required by law to fill the post — decided that the county would accept job applications from interested parties until Friday, January 29.

A total of 17 applications were received and nine (9) met the minimum qualifications.

Board Chair James Ramos — who represents Big Bear Valley — and Vice Chairman Robert Lovingood were named to an ad hoc committee to review and recommend options for appointment to fill the forthcoming vacancy.

Five candidates were interviewed for the post on Wednesday, February 10.



All of the candidates interviewed possessed extensive, relevant experience, including executive level financial and investment management experience working in large public or private organizations with multi-billion dollar budgets and revenues, according to board documents.

### **THE APPOINTMENT**

The person named to fill the Auditor-Controller/Treasurer/Tax Collector position will serve out Walker's term starting March 5 and lasting until January 2019.

## ADDITIONAL INFORMATION

Walker has served as San Bernardino County Auditor-Controller since December, 1998, following his election in June, 1998. He was re-elected in 2002 and 2006. In 2010, he was elected to the newly created position of Auditor-Controller/Treasurer/Tax Collector and was re-elected in 2014.

The San Bernardino County Government Center is located at 385 North Arrowhead Avenue in San Bernardino.

(65)



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## Real Estate

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[JOSHUA BASIN WATER FACED WITH A HARD CHOICE ON WATER FOR SOLAR FIELD](#) »

## PUBLIC INPUT SOUGHT FOR JOSHUA TREE COMMUNITY PLAN

By Z107.7 News, on February 17th, 2016

Residents of Joshua Tree have an opportunity to weigh in on the Joshua Tree Community Plan; it's part of the bigger countywide plan. Public input is being sought for the Joshua Tree Community Plan through a series of workshops, events, and through a comprehensive website. The first Joshua Tree specific workshop, entitled "What We Value" is set for Thursday, February 25, from 6:30 to 8:30 p.m. at the Joshua Tree Community Center behind the Sportsman's Club on Sunburst Avenue. More information, timelines, and relevant documents can be found at [countywideplan.com](http://countywideplan.com). The site also offers an opt-in form to receive email updates on the Joshua Tree Community Plan. Additional workshops are scheduled for March and July.

February 17th, 2016 | Tags: [joshua tree](#), [morongo basin](#), [san bernardino county](#) | Category: [Local News](#), [Top Story](#)



## CHINO HILLS: District attorney finds deputies' actions justified in shooting

BY GAIL WESSON

2016-02-16 14:09:32



A San Bernardino County District Attorney's Office review of a fatal November 2013 officer-involved shooting concluded San Bernardino County Sheriff's Department deputies' use of force was justified under the circumstances, according to a report issued Tuesday, Feb. 16.

On Nov. 18, 2013, Chino Hills sheriff's deputies were called to a residence at 7:52 pm on Tern Street after a woman told a dispatcher that her boyfriend, Peter John Oien, 47, may be under the influence of methamphetamine and was stabbing himself in the chest with a kitchen knife, according to the district attorney's staff memo.

They ordered Oien, who was covered in blood, to drop two knives, but instead he came out of a bedroom charging at deputies with knife-wielding hands raised. Fearing for their safety and lives of themselves and others, they fired their weapons at Oien and he fell to the ground, according to the memo.

Oien was taken to Chino Valley Hospital, where he later died. Before she called for help, the girlfriend said Oien kept repeating that he "wanted to die," had been depressed, suffered from medical and mental health issues and had been talking about committing suicide.

The involved officers were identified as deputies Julius McChristian and Hector Tobar and Sgt. Jason Hendrix.

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## RANCHO MIRAGE: DA thanks Obama for post-terrorism visit to San Bernardino

By [RICHARD BROOKS](#)

2016-02-16 20:42:58

During a lightning fast photo opportunity, President Obama exchanged pleasantries with Inland law enforcement and fire officials, at least one of whom thanked the president for his post-terrorism visit to San Bernardino.

"I got to shake his hand and look him in the eye and thank him for meeting with the families of people who were murdered by the terrorists in our county," said San Bernardino County District Attorney Mike Ramos.

Ramos was among roughly 16 folks from San Bernardino and Riverside Counties who were invited to the afternoon gathering Tuesday, Feb. 16, at Sunnylands in Rancho Mirage where the president hosted a two-day summit of Asian leaders.

"I've never seen security like that before," said Ramos, who had to tell the Secret Service what he'd be wearing to the meeting -- down to the color of his suit.

His exchange with the president lasted about 15 seconds, he estimated.

"We took the picture," Ramos said, "and he was gone."

Also in the group was San Bernardino Police Chief Jarrod Burguan. San Bernardino Deputy Fire Chief Grant Hubbell, several California Highway Patrol officials, and representatives of Cal Fire and the Riverside County Sheriff's Office.

When the president travels, Burguan said, the Secret Service relies on local law enforcement to help with motorcades and other support.

"As a kind of thank you," Burguan said, "the Secret Service usually arranges for photographs that come at the end of a presidential visit."

Obama's Dec. 18 visit to San Bernardino focused on meeting the families of the 14 slain victims of the Dec. 2 massacre.

Burguan estimated that he spent about 10 seconds with the president.

"We just said thank you and took a picture," Burguan said. "The motorcade was outside waiting for him."

San Bernardino County Sun (<http://www.sbsun.com>)

## San Bernardino County DA wants Lady Gaga to perform at victims memorial event

By Joe Nelson, *The Sun*

Tuesday, February 16, 2016



The idea came to San Bernardino County District Attorney Michael Ramos while [watching the Grammy Awards Monday night](#): Why not ask Lady Gaga if she would be interested in performing at this year's annual [Crime Victims' Memorial](#)?

Ramos shot out a tweet to the famous and flashy pop diva, who dazzled Super Bowl spectators Feb. 7 with her [rendition of the Star-Spangled Banner](#).

"We would be honored to have you sing at our Victims' Rights Memorial in San Bernardino County April 11," Ramos wrote in his tweet, addressed to the Twitter handle @ladygaga, whose profile says she's a "jazz art pop punk actress fashion magazine and columnist."

"I know she cares about victims and is a survivor of sexual assault herself, and I thought she'd be perfect," Ramos said Tuesday.

Ramos said that while he is sure the county cannot afford Lady Gaga's fee, the least he could do was ask.

"I thought I could at least reach out. That's the minimum I could do, and we'll see if she responds," Ramos said.

The annual crime victims' memorial is usually held at the San Bernardino County Government Center in downtown San Bernardino, Ramos said.

"If Lady Gaga was to come, we'd have to find a bigger place, but that wouldn't be a problem," Ramos said. "She's a good model for survivors. She's gone through a lot herself, and she's very successful. So we'll see what happens."

Representatives for Lady Gaga could not immediately be reached for comment.

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URL: <http://www.sbsun.com/arts-and-entertainment/20160216/san-bernardino-county-da-wants-lady-gaga-to-perform-at-victims-memorial-event>

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## New CEO addresses expectations for Ontario Airport at political fundraiser

By Liset Márquez, [liset.marquez@langnews.com](mailto:liset.marquez@langnews.com), [@JournalLiset](#) on Twitter

Tuesday, February 16, 2016



ONTARIO >> As the incoming chief executive officer of the Ontario International Airport Authority, [Kelly J. Fredericks](#) wants to manage expectations.

The [OIAA is in the midst of a transition](#), as LA/Ontario International Airport changes hands from [Los Angeles World Airports](#) to local control later this year.

When that occurs, Fredericks said the beleaguered airport will not immediately see a return of the 7.2 million passengers the airport handled at its peak nearly a decade ago. That's going to take some time.

"This airport has the capability of doing that, but we're going to do that strategically," Fredericks told about 60 people gathered at [Ontario Councilman Alan Wapner's annual business luncheon](#). "We're not going to have an on-and-off switch. But if I didn't think there was an opportunity here, then I sure wouldn't be here."

Attendees at the political fundraiser for Wapner paid anywhere from \$1,000 for the annual membership to \$5,000 to sponsor the event. Guests were given collectible varsity jackets and treated to a steak lunch at Tuesday's gathering at the Doubletree hotel.

The appearance was Frederick's first official visit to the region since [being named the authority's first CEO in January](#).

"The three things I continually think of is that Ontario is under-utilized, it's under-served, but it really points to the word of transformation. That's why I'm here," said Fredericks, who through March 1 is president and CEO of the Rhode Island Airport Corp., which operates T.F. Green, the commercial airport serving Providence and the New England region.

Before the luncheon, Fredericks made his way around the room, meeting individually with local businessman and elected officials, including San Bernardino County Board Supervisor Curt Hagman, who is also an OIAA commissioner.

When Fredericks met Joe McKay of commercial real estate broker Lee & Associates in Ontario, the local businessman proclaimed he was "excited for you to turn things around."

Later, McKay said he believes Fredericks is the right fit for the job.

"The airport is on its side, and I'm excited to have him come in and turn it around," he said.

For the airport to succeed, Fredericks told business leaders and elected officials he's going to need their support. Another key factor will be taking a regional approach. Fredericks said he didn't see any of the Southern California airports — including Los Angeles International Airport — as competition.

In fact, he plans on meeting with all Southern California airport directors to determine how they can partner.

That was welcome news for San Bernardino Councilman John Valdivia, also in attendance. The city is trying to develop commercial and cargo service at [San Bernardino International Airport](#).

"We have an airport in (San Bernardino) and we want to make sure we have a complimenting role and not a competing role to Ontario," he said. "Overall, it was very welcomed approached to the region. I think it was well put that we'll all be better as a region. I'm looking forward to his leadership."

Besides focusing on obtaining the [certificate of operation from the Federal Aviation Administration](#), Fredericks said he'll work on developing a master plan for ONT — a blueprint for the future — as well as building an executive leadership team.

"There's a lot of more opportunity than I could have ever imagined," Fredericks said. "I truly believe this airport, this regions' best days are ahead of them."

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URL: <http://www.sbsun.com/business/20160216/new-ceo-addresses-expectations-for-ontario-airport-at-political-fundraiser>

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By Staff reports

[Print Page](#)

February 17, 2016 8:01AM

## Morongo Valley dedicates sign to new Sand to Snow National Monument

MORONGO VALLEY — Members of the Morongo Valley Chamber of Commerce, along with other regional, local leaders and residents, celebrated President Barack Obama's designation last week of three new national monuments in the California desert by dedicating a new community sign welcoming visitors to "The Home of the Sand to Snow National Monument" on Tuesday.

The designation of Sand to Snow, in the Sonoran Desert, and Mojave Trails and Castle Mountains, both in the Mojave Desert, as national monuments protects them for future generations and is result of the efforts of Senator Dianne Feinstein, U.S. Interior Secretary Sally Jewell and U.S. Agriculture Secretary Tom Vilsack.

The action comes after nearly a decade of work to protect these public lands by local and statewide leaders including chambers of commerce, business organizations, tourism groups and over 200 desert businesses.

"The Sand to Snow National Monument will preserve the natural beauty of our home for future generations while also creating business opportunities now," said Karen Lowe, local realtor and board member of the Morongo Valley Chamber of Commerce. "We are excited about the new opportunities that Sand to Snow will provide for our community."

The Sand to Snow National Monument protects a diversity of landscapes, including portions of the Sonoran and Mojave deserts, streams and wetlands along the Whitewater River, Mission Creek, and Big Morongo Canyon and the peak of Mount San Gorgonio, the highest point in Southern California. It also boasts rare desert rivers and stunning cultural sites including Native American petroglyphs and mortars.

The monument provides many recreational opportunities on public lands for hiking, horseback riding, backpacking, fishing, bird watching and even snowshoeing and cross-country skiing.

"The third district is now the home of the Sand to Snow National Monument, which includes countless Native American resources, the pristine Black Lava Butte, more than 240 species of birds and 12 species of endangered wildlife, including the Desert bighorn sheep," commented 3rd District Supervisor James Ramos, whose district includes a large portion of the Mojave Desert. "The Sand to Snow National Monument has the potential to bring plenty of economic opportunities to the many tourist-friendly desert communities. Residents of the Morongo Valley are sure to welcome visitors to the new National Monument with open arms."

"Conserving and connecting these habitats will benefit local tourism and also help desert animals and plants adapt to a changing climate," said Meg Foley, Morongo Valley Chamber of Commerce Board Member. "By designating these national monuments, President Obama is balancing conservation and economic opportunity in a manner consistent with the priorities of the Morongo Valley Community Plan. These new monuments benefit Morongo Valley and the desert region."



Residents and local dignitaries gathered Tuesday afternoon to reveal a new community sign welcoming visitors to "The Home of the Sand to Snow National Monument." (Submitted Photo)

<http://www.vvdailypress.com/article/20160217/NEWS/160219777>

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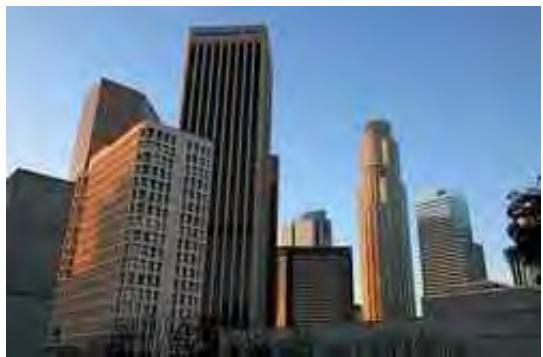
San Bernardino County Sun (<http://www.sbsun.com>)

## Job growth in LA County, Inland Empire to slow, but that's not necessarily bad news

### L.A. County, Inland Empire to see slower job growth

By Kevin Smith, San Gabriel Valley Tribune

Wednesday, February 17, 2016



Broad-based growth among many Los Angeles County industries pushed wage and salary jobs to a record high last year but that momentum is expected to slow in 2016, according to a report released today.

The 2016-2017 Economic Forecast & Industry Outlook from the [Los Angeles County Economic Development Corp.](#) shows the county added 94,700 jobs in 2015 at an annual rate of 2.2 percent. That growth will likely slow to 1.7 percent this year and 1 percent next year.

The county is expected to add 73,400 jobs this year, led by strong increases in health care and social assistance (20,900 jobs), professional, scientific and technical services (11,400) and administrative and support services (9,800).

"We're expecting to see a little bit slower growth in job creation, but that doesn't mean the economy is weakening," said Robert Kleinhenz, the LAEDC'S chief economist. "It's moving forward with what I would call cruise speed."

Activity at the ports of Los Angeles and Long Beach rebounded in 2015 after hard-fought labor negotiations were ironed out. That gave the twin ports their third best year on record, with 15.4 million containers moved.

But low inflationary pressure combined with a strong dollar brought the value of two-way trade through the Los Angeles Customs District down to \$393.4 billion from the record-setting volume of \$416.6 billion in 2014. That's expected to creep up to \$393.7 billion this year and jump to \$431.7 billion in 2017.

"We just had the best January in our history," said Phillip Sanfield, a spokesman for the Port of Los Angeles. "We exceeded 700,000 TEUs, and we were up 33 percent from last January. But I should point out that last January was a bust because we were still in labor negotiations and we had all those ships at sea."

A TEU is a container unit that's 20 feet long, 8 feet wide and 8 feet, 6 inches tall that's used to move goods on cargo ships.

Sanfield said exports from the two ports have been soft because of the rising value of the dollar.

"A lot of exports that come out of this trade gateway are raw materials, like metal and paper," he said.

"As the dollar goes up, those materials are more expensive and become less competitive on the open market, so countries like China look for options with other countries."

The LAEDC forecast, compiled by the group's Kyser Center for Economic Research, also notes an uptick in Southern California's entertainment industry, although the sector suffered job losses. FilmL.A. reported that on-location filming in Los Angeles rose 1.3 percent in 2015 to 37,289 shoot days, mainly due to scripted television production. Despite that increase, the county's motion picture and sound-recording industry lost 600 jobs, whittling the industry's total workforce to 119,425.

"It's worth noting that the film and tax credit was revamped to be more attractive to TV," Kleinhenz said. "And as far as employment, we may see an upward revision when those numbers are revised in March. There's a benchmarking process that takes place."

The report also highlights increasing momentum in the county's housing industry.

L.A. County's median price for a single-family home topped out at \$485,980 in 2015, a 7.8 percent increase over the previous year. A total of 22,831 housing permits were issued last year, 18,500 of which were for multi-family units. That's up from the 2014 total of 18,707, which were also primarily for multi-family units.

Wage growth has been painfully slow in the wake of the Great Recession. But figures in the LAEDC's report show that people are, in fact, earning more money. Per capita personal income in L.A. County — the total amount of income in the county divided by the number of residents — rose from \$49,400 in 2014 to \$51,200 last year. It's expected to hit \$53,200 this year and \$55,800 next year.

The report also points to a strengthening economy in the Inland Empire.

Wage and salary growth in the two-county region outpaced the state and the rest of California for the fourth straight year in a row in 2015. That comes as good news for a region that was especially hard hit when the nation's housing industry collapsed in the wake of the recession.

Employment grew at a robust rate of 3.8 percent last year, outpacing California's overall growth rate of 3 percent. With 1.33 million jobs in 2015, the Inland Empire finally surpassed its pre-recession peak of 1.29 million jobs in 2007.

The combined San Bernardino and Riverside counties area is expected to add 41,400 jobs in 2016 at a rate of 3.1 percent, with health care and social assistance, government, and administrative and support services leading the way.

Next year's employment growth is expected to slow to 3 percent.

Last year 9,665 housing permits were issued, down from 10,141 the previous year. But that's expected to rise to 11,800 this year and 14,700 in 2017.

On a broader scale, Kleinhenz said it doesn't appear likely the nation is headed for another recession.

"It just doesn't appear to be in the cards for 2016 or 2017," he said. "The things that usually give rise to a recession are imbalances in balance sheets and heavy inflation, and those are not happening. Inflation is expected to increase this year but it won't get out of hand."

San Bernardino County Sun (<http://www.sbsun.com>)

## San Bernardino charter reform moving forward

*By Ryan Hagen, The Sun*

Tuesday, February 16, 2016

SAN BERNARDINO >> Significant changes to the charter that city officials and analysts blame for ineffective governance will be presented to the City Council by April or May so that they can be placed on the November ballot.

A committee tasked with reforming that charter — comprised of members the City Council and the mayor appointed — was set to present at Tuesday's City Council meeting its progress toward a new charter.

The bankruptcy recovery plan “identified the city’s charter as a barrier to efficient, effective government because it is overly complex, hard to understand, and contains elements that are inconsistent with best practices for modern municipal government,” the committee said in a written presentation.

“Subsequently, the charter committee has continued its work to develop recommendations for a new or substantially revised charter that reflects the principles of good governance and meets the needs of the community.”

The presentation had not begun by print deadline.

Charter reform has been controversial in San Bernardino — with voters shooting down repeated efforts to amend it.

Most recently, in November 2014, a majority [rejected the charter committee’s proposal](#) to remove police and firefighter pay from the charter, which would have allowed those salaries to be set by negotiation rather than a formula based on what other cities pay. It did accept a change that ended the practice of paying terminated city employees while they wait for an appeal of their employment.

State law only allows changes to a charter if approved by voters in a November election in an even-numbered year, and the charter committee has met twice a month since May to meet the 2016 deadline.

In a survey the committee conducted last year, only 8 percent of 440 complete responses said the charter shouldn’t be changed, according to the committee. Fifty-one percent said it should be revised, and 42 percent said it should be replaced.

Committee members say they want much more public input.

The next public forum on the issue will be 6:30 p.m. Monday at Chavez Middle School.

Tuesday was the final meeting for Councilman Rikke Van Johnson, who was first elected in 2003.

He received proclamations from representatives of the county Board of Supervisors, state Legislature, Congress and the city, which presented him with a key to the city.

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URL: <http://www.sbsun.com/government-and-politics/20160216/san-bernardino-charter-reform-moving-forward>

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## SBCUSD's Dale Marsden named county superintendent of the year

*By Staff report*

Tuesday, February 16, 2016



San Bernardino City Unified School District Superintendent Dale Marsden was named Superintendent of the Year by the local chapter of the Association of California School Administrators and his alma mater in January.

Marsden was recognized for [ACSA Region 12](#) (which covers San Bernardino County) and by Pepperdine University, where he earned his doctorate degree, at the ACSA annual Superintendents' Symposium in Monterey on Jan. 28.

"To be named Superintendent of the Year by Pepperdine University and ACSA is an honor for me, but more importantly, it's a testament to the work our entire San Bernardino City Unified School District is doing to make happen in our community," Marsden is quoted as saying in a SBCUSD news release. "This recognition really goes to our district, our board, the teachers, staff, school leaders, parents, and most importantly, our 50,000 students who strive for success every day."

Marsden has led the [53,307-student](#) district [since 2012](#).

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URL: <http://www.sbsun.com/social-affairs/20160216/sbcusds-dale-marsden-named-county-superintendent-of-the-year>

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# ORANGE COUNTY REGISTER

## Orange County Supervisors to meet less frequently, publish agendas earlier

By JORDAN GRAHAM

2016-02-09 18:37:31

The Orange County Board of Supervisors will meet less frequently this year, but the public will have more advanced notice about what will be discussed at those meetings, after the board voted Tuesday to alter its annual schedule.

The changes will standardize meeting times to the second and fourth Tuesday of every month, cutting at least six meetings from a schedule previously approved in November. The change will likely extend both the agendas and meeting lengths for the remaining dates on the calendar.

Supervisor Shawn Nelson said he thought two meetings per month could be too few.

"Be prepared for what you're going to get if we start showing up twice a month," said Nelson, the sole vote against the item. "I signed up for a full-time job. You all did. ... This is a mistake."

Chairwoman Lisa Bartlett said the board could opt to add more dates if it later deemed it necessary.

The meeting agendas will also be released earlier under the new schedule – posted online two full weeks before the meeting rather than the customary six days under the current system. Bartlett said the earlier release would provide more public transparency and give supervisors more time to prepare.

She also pushed for a provision that would have required other supervisors to get her approval to add an agenda item less than a week before the meeting. But supervisors Todd Spitzer, Andrew Do and Nelson said the change would give the chair too much power.

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Inland Valley Daily Bulletin (<http://www.dailybulletin.com>)

## LA County to explore splitting Probation Department between youth, adults

*By Sarah Favot, Los Angeles Daily News*

Tuesday, February 16, 2016

Los Angeles County officials will explore splitting the troubled Probation Department into two systems: one for youth and one for adults.

The Board of Supervisors Tuesday approved a motion by Supervisors Mark Ridley-Thomas and Sheila Kuehl to hire a consultant to work with the interim chief probation officer, other county department heads as well as the working group formed two weeks ago to explore a Probation Department oversight commission to explore dividing the Probation Department between adult and juveniles. The supervisors requested that recommendations on a Probation Department governance structure be made to the board in four months.

It is the second action in two weeks that the board has taken in terms of Probation Department reforms. Two weeks ago, the board formed a working group to explore the formation of an oversight commission of the Probation Department, like the one created for the Sheriff's Department.

"Now we ask ourselves an equally important question. That question is, even with oversight, is this department capable of fulfilling the mission as currently structured?" Ridley-Thomas said.

The supervisors stressed that they have not yet decided if the department should be split.

"We draw no conclusions at this point," Ridley-Thomas said.

Supervisors Hilda Solis and Don Knabe requested that the review include looking at Probation Department facilities and whether some could be closed or consolidated.

The supervisors acknowledged that the Probation Department has "struggled to fulfill its duties," highlighted by the U.S. Department of Justice monitoring of the department's juvenile halls and camps from 2006 to 2015 due to poor conditions.

The department has a \$840 million budget with 6,600 employees serving 70,000 youths and adults. The youths are both in and out of custody. The adults are out of custody.

"They're not exactly two separate things, but they might be," Kuehl said of the juvenile and adult populations.

Many public speakers who spoke in favor of splitting the department, acknowledged that an abundance of research shows that youths' cognitive abilities are different from adults and that youth are more likely to be rehabilitated and therefore should be governed separately from adult probationers.

"I believe that in no short order your experts will find that Los Angeles is behind the national trend of

having a singular probation department charged with the responsibility of supervising juveniles," said Cyn Yamashiro, an attorney who is appointed to the Probation Commission.

Patricia Soung, staff attorney at the Children's Defense Fund-California, who spoke in favor of the proposal, said the board should use this opportunity to also reform the culture and philosophy of the department.

"To return to the thinking that young people, as we've always known, are different, that we need to treat them as whole people and that they can be changed and transformed," she said.

The number of youth in probation camps and halls or under community supervision has significantly declined in recent years -- from 17,000 in 2011 to 9,000 in 2015, as the number of adults on probation has increased due to state legislation that shifted state inmates to probation supervision by the county. A recent audit found that the department did not spend \$140.5 million in grant funds for youth programs. The county is also in the process of hiring a new chief probation officer.

Former Chief Jerry Powers resigned in December. The department has gone through five chief probation officers in a decade.

Interim Chief Cal Remington said he supported the board's plan to explore splitting the department.

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**URL:** <http://www.dailypbulletin.com/government-and-politics/20160216/la-county-to-explore-splitting-probation-department-between-youth-adults>

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